

DOCKET FILE COPY ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAR 25 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of the Commission's)
Rules to Establish Rules and) CC Docket No. 92-166
Policies Pertaining to a Mobile)
Satellite Service in the 1610-1626.5)
MHz and 2483.5-2500 MHz)
Frequency Bands)

REPLY COMMENTS TO THE OPPOSITIONS AND COMMENTS ON
PETITIONS FOR CLARIFICATION AND PARTIAL RECONSIDERATION

Loral/QUALCOMM Partnership, L.P. ("LQP"), by its undersigned attorneys, hereby submits its reply to the oppositions and comments filed with regard to the Petitions for Clarification and Partial Reconsideration of the Commission's Report and Order in the above-referenced docket. Report and Order, FCC 94-261 (released Oct. 14, 1994) ("MSS Rules Order").

LQP has previously stated its support for the majority of the rules and policies adopted in the Report and Order.¹ However, several areas of these rules and policies require modification, and this view is shared by the majority of the parties which also filed Petitions for Reconsideration of the Commission's Order. These revisions concern the opportunity for AMSC to file a geostationary satellite application to use the 1610-1616.5 MHz and 2483.5-2500 MHz bands, the need for an interim frequency plan to "protect" receipt of MSS signals by GLONASS receivers on-board aircraft, and the timing for applying milestones to ensure that licensees in the MSS Above 1 GHz service proceed expeditiously to implement their systems.

¹ See LQP Petition for Clarification and Partial Reconsideration, filed November 21, 1994.

I. The Comments Support Precluding AMSC From Providing Geostationary Service in the 1610-1626.5 MHz and 2483.5-2500 MHz Bands

As stated in LQP's Petition for Clarification and Partial Reconsideration, the Commission's statement in the MSS Rules Order that it "would consider authorizing a GSO system in these bands upon a showing that its operations would not cause interference to or affect LEO operations" is totally inconsistent with the Commission's finding that the 1.6/2.4 GHz bands should be used for LEO systems. Within this proceeding the Commission developed an abundant record and a strong public interest rationale on which to base its policy that these bands should be used by LEO systems only. See United States v. Storer Broadcasting Co., 351 U.S. 192 (1956).

In its Petition, LQP urged the Commission to reconsider its decision to allow the filing of a GSO application, on the grounds that such an application would be inconsistent with the LEO-only character of the service, as well as the fact that a GSO system would "affect LEO operations" by causing a reduction in capacity of the other CDMA systems. Moreover, in responding to the Petition for Reconsideration of AMSC urging reconsideration of the LEO-only rule, LQP, Motorola Satellite Communications, Inc. ("Motorola"), Constellation Communications, Inc. ("Constellation") and TRW Inc. ("TRW") agree that the Commission should not consider any revision to the LEO-only rule.² As Motorola states, "the advantages of non-geostationary satellite systems over geostationary satellite systems for the provision of handheld MSS on a global basis amply warrant that these bands be authorized exclusively for Big LEO systems."³

² See Motorola Consolidated Comments, at pp.13-14, Constellation Opposition and Comments, at pp. 2-9 and TRW Consolidated Opposition and Comments, at pp. 8-14.

³ Motorola Consolidated Comments, at p. 6.

AMSC, in response, offers nothing beyond the conclusion that "the Commission has no reason to change its position that it is willing to consider secondary uses of the band" while indicating that "secondary operations are extremely unattractive due to their vulnerability to preemption."⁴ Thus, as supported by LQP, Motorola, TRW and Constellation, the Commission should neither reconsider AMSC's request that geostationary operations in the 1.6/2.4 GHz be permitted on a primary basis, nor permit AMSC to apply for geostationary operation on a secondary basis.

II. The Comments Support Reconsideration of the Interim Plan for the Purpose of Protecting GLONASS Receivers

LQP, in its Petition for Clarification and Partial Reconsideration, urged the Commission to reconsider its decision to establish an "interim plan" for MSS operations in the 1610-1626.5 MHz band which was "based solely on speculation about the GLONASS configuration" and which, in any case, is not needed to enable GLONASS to be utilized as a part of the GNSS.⁵ In its Petition, LQP explained how an interim plan could harm MSS by reducing the available spectrum without providing any benefit for aeronautical navigation.⁶

Motorola, in its Responsive Comments on this issue, strongly supports the Commission's reconsideration of its decision to implement an interim plan and agrees that "LQP has also effectively demonstrated that an interim plan would not be needed to use GLONASS receivers in the Global Navigation Satellite System ("GNSS"), and that no interference would be caused by MSS systems to GPS and

⁴ AMSC Consolidated Comments and Opposition, at footnote 12.

⁵ LQP Petition for Clarification and Partial Reconsideration, at pp. 12-19.

⁶ Id.

GLONASS satellites operating below 1606 MHz."⁷ Moreover, Motorola supports LQP's recommendation that, "at a minimum, the Commission should defer consideration of any interim plan until the RTCA's protection criteria...are implemented."⁸

However, LQP points out that its petition for reconsideration of the interim plan is based on LQP's conclusion that adopting such options for protection of GLONASS receivers in the United States is not needed or warranted. In the event that protection levels are imposed on MSS systems, then the Commission's interim plan may be necessary.⁹ On this basis, LQP urges the Commission to reconsider its decision to establish an interim plan for the protection of GLONASS signals above 1606 MHz.

III. The Commission Should Clarify the Authorization from which Implementation Milestones Are to Be Computed

The Commission described the milestone for construction of the first two satellites as "within one year of unconditional grant of its authorization," and the milestone for construction of the remaining satellites as "within three years of the initial authorization." MSS Rules Order, para. 189. LQP, in its Petition for Clarification and Partial Reconsideration, asked the Commission to specify that MSS licensees must commence construction and system coordination as soon as they receive any authorization to commence construction, so that all milestones would commence with a licensee's "initial authorization."¹⁰

⁷ Motorola Consolidated Comments, at p. 8.

⁸ Id.

⁹ Id. at 19-20.

¹⁰ LQP Petition, at p. 23.

Constellation and TRW opposed LQP's suggestion on the grounds that the certainty of system parameters would not be available until unconditional licenses are issued.¹¹

LQP is also concerned both about expediting service to the public and commencing coordination. Thus, LQP urges the Commission to require that milestones be calculated from the date of initial authorization so as to expedite development of these systems consistent with "the national and other public interest benefits of ensuring United States global leadership in providing this important new satellite service." ¹²

IV. Conclusion

For the reasons cited above, LQP requests the Commission to reconsider and clarify the rules and policies addressed in LQP's Petition for Clarification and Partial Reconsideration.

¹¹ TRW Consolidated Opposition, at 20-21; Constellation Consolidated Opposition, at 11-12.

¹² MSS Rules Order, para. 39.

Respectfully submitted,

LORAL/QUALCOMM PARTNERSHIP, L.P.

By: William D. Wallace III

John T. Scott, III
William D. Wallace
Crowell & Moring
1001 Pennsylvania Avenue N.W.
Washington, D.C. 20004-2505
(202) 624-2500

By: Leslie A. Taylor

Leslie A. Taylor
Leslie Taylor Associates
6800 Carlynn Court
Bethesda, MD 20817-4302
(301) 229-9341

Its Attorneys

January 5, 1995

Certificate of Service

I, Andrew F. Taylor, hereby certify that the forgoing "Reply Comments of Loral/QUALCOMM Partnership, L.P." was served by first-class mail, postage prepaid, this 5th day of January, 1995, on the following persons:

Chairman Reed E. Hundt
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
Room 802
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner Andrew C. Barrett
Federal Communications Commission
Room 826
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Karen Brinkman
Special Assistant
Office of the Chairman
Federal Communications Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

Kathy Waldman
Chief, Common Carrier Bureau
Federal Communications Commission
Room 500
1919 M Street, N.W.
Washington, D.C. 20554

Thomas Tycz
Chief, Satellite and
Radiocommunication Division
Federal Communications Commission
Room 6010
2025 M Street, N.W.
Washington, D.C. 20554

Cecily Holiday
Deputy Chief, Satellite and
Radiocommunications Division
Federal Communications Commission
Room 6324
2025 M Street, N.W.
Washington, D.C. 20554

Fern J. Jarmulnek
Chief, Satellite Policy Branch
Federal Communications Commission
Room 6324
2025 M Street, N.W.
Washington, D.C. 20554

Scott Blake Harris
Chief, International Bureau
Federal Communications Commission
Room 658
1919 M Street, N.W.
Washington, D.C. 20554

William Kennard
General Counsel
Federal Communications Commission
Room 614
1919 M Street, N.W.
Washington, D.C. 20554

Robert M. Pepper
Office of Planning and Policy
Federal Communications Commission
1919 M Street, N.W.
Room 822
Washington, D.C. 20554

Rudolph M. Baca
Legal Advisor
Office of Commissioner Quello
Federal Communications
Commission
Room 802
1919 M Street, N.W.
Washington, D.C. 20554

Byron F. Marchant
Senior Legal Advisor
Office of Commissioner Barrett
Federal Communications
Commission
Room 826
1919 M Street, N.W.
Washington, D.C. 20554

Greg Vogt
Office of Commissioner Ness
Federal Communications
Commission
1919 M Street, N.W.
Washington, D.C. 20554

James R. Keegan
Chief, Domestic Facilities
Division
Federal Communications
Commission
Room 6010
2025 M Street, N.W.
Washington, D.C. 20554

Jane Mago
Richard Welch
Office of Commissioner CHong
Federal Communications
Commission
1919 M Street, N.W.
Washington, D.C. 20554

Gerald P. Vaughan
Deputy Bureau Chief
(Operations)
Federal Communications
Commission
Room 500
1919 M Street, N.W.
Washington, D.C. 20554

Richard Metzger
Deputy Chief, Common Carrier
Bureau
Federal Communications
Commission
Room 500
1919 M Street, N.W.
Washington, D.C. 20554

Wendall R. Harris
Asst. Bureau Chief
International Bureau
Federal Communications
Commission
Room 534
1919 M Street, N.W.
Washington, D.C. 20554

Diane J. Cornell
Telecommunications Division
Federal Communications
Commission
Room 584
1919 M Street, N.W.
Washington, D.C. 20554

Kathleen B. Levitz
Deputy Bureau Chief (Policy)
Federal Communications
Commission
Room 500
1919 M Street, N.W.
Washington, D.C. 20554

James Ball, Esq.
Chief for Policy
International Bureau
Federal Communications
Commission
Room 658
1919 M Street, N.W.
Washington, D.C. 20554

Harry Ng
Common Carrier Bureau
Federal Communications
Commission
Room 6324
2025 M Street, N.W.
Washington, D.C. 20554

Paul Goldsmith, PH.D.
Director, NAIC
Fletcher Heald & Hildreth
11th Floor
1300 North 17th Street
Rosslyn, VA 22209

Thomas P. Stanley
Chief Engineer
Federal Communications
Commission
Room 838-D
1919 M Street, N.W.
Washington, D.C. 20554

Ruth Milkman
Senior Legal Advisor
Chairman Hundt's Office
Federal Communications
Commission
Room 814
1919 M Street, N.W.
Washington, D.C. 20554

Vonya McCann
Deputy Assistant Secretary of
State for Communications
& Information
Room 6313
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Lawrence F. Chesto
Aeronautical Radio, Inc.
2551 Riva Road
Annapolis, MD 21401-7465

Michael Nelson, Ph.D.
Special Assistant --
Information Technology
Office of Science and
Technology Policy
Old Executive Office Building
Room 423
17th & Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dr. Bruce Alberts
President
National Academy of
Sciences'
Committee on Radio Frequencies
2101 Constitution Avenue
Washington, D.C. 20418

William Hatch
NTIA
U.S. Department of Commerce
14th & Constitution Ave., N.W.
Room 4096
Washington, D.C. 20230

Richard C. Beaird
Michael Fitch
Senior Deputy U.S. Coordinator
and Director
Bureau of International
Communications and Information
Policy
Room 6313
Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Frank R. Jazzo
Fletcher, Heald & Hildreth
11th Floor
1300 North 17th Street
Rosslyn, VA 22209

Jean Prewitt
Associate Administrator
NTIA/OIA
U.S. Department of Commerce
Room 4720
14th & Constitution Ave., N.W.
Washington, D.C. 20230

Jack A. Gleason
Division Director
NTIA/OIA
U.S. Department of Commerce
Room 4720
14th & Constitution Ave., N.W.
Washington, D.C. 20230

Richard E. Gould
Telecommunications Systems
Suite 600
1629 K Street, N.W.
Washington, D.C. 20006

John L. Bartlett, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Paul J. Sinderbrand, Esq.
Dawn G. Alexander, Esq.
Sinderbrand & Alexander
888 16th Street, N.W.
Suite 610
Washington, D.C. 20006-4103

Linda C. Sadler
Manager, Government Affairs
Rockwell International Corp.
1745 Jefferson Davis Highway
Arlington, VA 22202

Scott A. Sawyer
TX-ACSEC
Assistant Attorney General
State of Texas
P.O. Box 12548
Austin, TX 78711-2548

Donald K. Dement
President
Novacom, Inc.
1568 Ritchie Lane
Annapolis, MD 21401

Guy Gooch
Director, Systems Engineering
Mobile Communications
Satellite Systems
Rockwell International Corp.
400 Collins Road, N.W.
Cedar Rapids, IA 52498

J.H. Nunnally
General Manager, Communications
Division
Electronic Systems
Westinghouse Electric Corp.
Elkridge Landing Road
P.O. Box 1693
Baltimore, MD 21090

David Cosson
L. Marie Guillory
National Telephone Cooperative
Association
2626 Pennsylvania Ave., N.W.
Washington, D.C. 20037

Theodore A. Miles
Mary Lou Joseph
Donald Lockett
Peter J. Loewenstein
Lucille Pavco
Michael Starling
National Public Radio, Inc.
635 Mass. Ave. N.W.
Washington, D.C. 20001-3753

Peter A. Rohrbach
Hogan & Hartson, L.L.P.
555 Thirteenth Street, N.W.
Washington, D.C. 20004

Eugene S. Cavallucci
Andrew S. Hamment
Harris Corp.
Aerospace Systems Division
P.O. Box 94000
Melbourne, FL 32902-9400

Nancy J. Thompson
COMSAT Mobile Communications
22300 COMSAT Drive
Clarksburg, MD 20871

Jose A. Aponte
General Manager, International
Services
American Red Cross
National Headquarters
Washington, D.C. 20006

Paul R. Schwedler
Carl Wayne Smith
National Communications System
Telecommunications, DOD
Code AR
Defense Information Systems Agency
701 S. Courthouse Road
Arlington, VA 22204

H.W. Beningfield, Ph.D.
Director of Engineering
Honeywell, Inc.
5353 West Bell Road
MS/51RAV
Glendale, AZ 85308-9000

Larry P. Yermack
Vice President and General Manager
Space Products
Fairchild Space and Defense Corp.
20301 Century Blvd.
Germantown, MD 20874

Mary E. Downs
General Counsel
Air Transport Assoc. of America
1301 Pennsylvania Ave. N.W.
Washington, D.C. 20004

Stephen L. Goodman
Halprin, Temple & Goodman
Suite 650 East Tower
1100 New York Ave., N.W.
Washington, D.C. 20005

David A. Gross
AirTouch Communications
1818 N Street, N.W.
Washington, D.C. 20036

Ray Conover
Vice President/Director of Engineering
Conus Communications
3415 University Avenue
Minneapolis/St. Paul, MN 55414

Robert P. Crow
Managing Partner
Crow Associates
4725 Bywood Court
Colorado Springs, CO 80906

J.D. Hersey
Chief, Spectrum Management and
Radio Regulatory Branch
U.S. Department of Transportation
U.S. Coast Guard
2100 Second Street, S.W.
Washington, D.C. 20593-0001

Marilyn Mohrman-Gillis
General Counsel
Lonna M. Thompson
Assoc. of America's Public
Television Stations
1350 Conn. Avenue, N.W.
Suite 200
Washington, D.C. 20036

Mary Jayne Moose
Executive Vice President
Travelworld, Inc.
1500 Wilson Blvd.
Arlington, VA 22209

Bernard J. Trudell
6100 Westchester Park Drive
College Park, MD 20740

Dr. Roosevelt A. Fernandes
Senior Research Scientist
Grid Management
Southern California Edison
Company
6090 North Irwindale Ave.
Irwindale, CA 91702

Paula A. Jameson
General Counsel
Gregory Ferenbach
Assistant General Counsel
Public Broadcasting Service
1320 Braddock Place
Alexandria, VA 22314

Stephen L. Rose
Director, Information Resources
Management
Peace Corps.
1990 K Street, N.W.
Washington, D.C. 20526

Pantelis Michalopoulos
Steptoe & Johnson
1330 Connecticut Ave. N.W.
Washington, D.C. 20038-1795

Nicholas Benson, M.D.
President Elect
National Association of EMS
Physicians
230 McKee Place
Suite 500
Pittsburgh, PA 15213

Bruce D. Jacobs, Esq.
Glenn S. Richards, Esq.
Fisher Wayland Cooper Leader
and Zaragoza L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006-1851
(Counsel for AMSC)

Lon C. Levin
Vice President
American Mobile Satellite Corp.
10802 Parkridge Blvd.
Reston, VA 22091

Robert A. Mazer, Esq.
Rosenman & Colin
1300 19th Street, N.W.
Washington, D.C. 20006
(Counsel for Constellation)

Jill Stern, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N.W.
Washington, D.C. 20037-1128
(Counsel for MCHI)

Gerald Helman
MCHI
1120 19th Street, N.W.
Suite 480
Washington, D.C. 20036

Norm R. Leventhal, Esq.
Raul Rodriguez, Esq.
Stephen D. Baruch, Esq.
Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006-1809
(Counsel for TRW, Inc.)

Philip L. Malet, Esq.
Alfred Mamlet, Esq.
Steptoe & Johnson
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(Counsel for Motorola)

Richard Parlow
Associate Administration for
Spectrum Management
National Telecommunications and
Information Administration
U.S. Department of Commerce
14th & Constitution Avenues, N.W.
Washington, D.C. 20230

The Honorable Larry Irving
Administrator
National Telecommunications and
Information Administration
U.S. Department of Commerce
14th & Constitution Avenues, N.W.
Washington, D.C. 20230

Robert L. Riemer
National Research Council
Commission on Physical Sciences
2101 Constitution Avenue
Washington, D.C. 20418

Robert A. Mazer
Nixon, Hargrave, Devans & Doyle
One Thomas Circle, N.W.
Suite 800
Washington, D.C. 20005

Norman P. Leventhal
Raul R. Rodriguez
Stephen D. Baruch
David S. Keir
Leventhal, Senter & Lerman
2000 K Street N.W.
Suite 600
Washington, D.C. 20006-1809

Barry Lambergman
Fletcher, Heald & Hildreth
1300 North 17th Street
11th Floor
Rosslyn, VA 22209

Victor J. Toth, P.C.
Law Offices
2719 Soapstone Drive
Reston, VA 22091

Michael D. Kennedy
Michael A. Menius
Motorola Inc.
Government Relations Office
1350 I Street N.W.
Suite 400
Washington, D.C. 20005

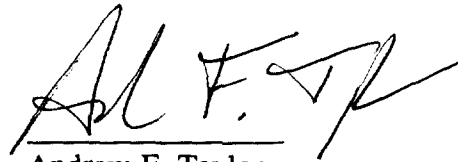
Robert A. Frazier
Spectrum Engineering & Planning
Division
ASM-500
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

Thomas Trimmer
U.S. Army
Hoffman II
Room 9865
200 Stovall Street
Alexandria, VA 22332

David Struba
NASA Headquarters
Code OI
Washington, D.C. 20546

Tom W. Davidson
Paul S. Pien
Akin, Gump, Strauss, Hauer &
Feld, L.L.P.
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D.C. 20036

Dr. William A. Baan
Spectrum Manager
National Astronomy and Ionosphere
Center
P.O. Box 995
Arecibo, Puerto Rico 00613


Andrew F. Taylor